

## CHAPTER 8

( HB 242 )

AN ACT relating to metals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔Section 1. KRS 433.890 is amended to read as follows:

- (1) Every recycler, dealer in junk or metals, dealer in secondhand articles, vendor of bottles or rags, collector of or dealer in articles found in ashes, garbage, or other refuse, whether such dealers, collectors, or vendors have established places of business or operate a business of an itinerant nature, shall, with regard to any catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rails, nonferrous metal or an alloy thereof, or an object containing nonferrous metal or an alloy thereof:
  - (a) Keep a register that contains:
    1. A photocopy of a valid driver's license or other government-issued identification card or document which contains the name, photograph, and signature of the seller. If the purchaser has a copy of the seller's valid photo identification on file, it shall not be necessary for the purchaser to make another copy of the identification document for each purchase if the purchaser references the number on the identification document in the register at the time of each purchase; and
    2. The state and license number of the motor vehicle used to transport the purchased catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, to the place of purchase, which shall be provided by the seller of the items;
    3. The time and date of the transaction;
    4. A description in the usage of the trade of the kind and weight of the railroad rail, nonferrous metal or an alloy thereof, or object containing the nonferrous metal or an alloy thereof purchased; and
    5. The amount paid for the material and the unit basis of the purchase, such as by ounce or pound, etc.;
  - (b) *Not purchase any metal that has been smelted, burned, or melted unless, in addition to the other requirements of this subsection, the seller provides the following and the purchaser maintains a copy thereof:*
    1. *A signed certificate of ownership stating that he or she is the owner of the metal and is entitled to sell it; or*
    2. *A signed certificate from the owner of the metal stating that he or she is the owner of the metal and that the person selling the metal is authorized to sell the metal on behalf of the owner;*
  - (c)~~(b)~~ Not purchase any catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or an object containing nonferrous metal or an alloy thereof from a person who:
    1. Is less than eighteen (18) years of age; or
    2. Is unable or refuses to provide the identification and information required in paragraph (a) of this subsection;
  - (d)~~(c)~~ Retain the information required by this section for a period of two (2) years, after which time, the information may be retained, destroyed in a manner that protects the identity of the owner of the property and the seller of the property, or transferred to a law enforcement agency specified in paragraph (g)~~(f)~~ of this subsection;
  - (e)~~(d)~~ If the purchaser ceases business, transfer all records and information required by this section to a law enforcement agency specified in paragraph (g)~~(f)~~ of this subsection;

~~(f)(e)~~ Permit any peace officer to inspect the register, and if the peace officer deems it necessary to locate specific stolen property, may inspect the catalytic converter, metal beverage and container that is capable of holding more than two (2) liters of beverage is marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or object containing nonferrous metal or an alloy thereof received during business hours;

~~(g)(f)~~ Upon written request of the sheriff or chief of police, as appropriate, make a report containing the information required to be retained in the register under paragraph (a) of this subsection in person, in digital format, in writing, or by electronic means within twenty-four (24) hours of the transaction to:

1. The sheriff of the county in which the purchase was made and the sheriff of the county in which the business is located; and
2. When the purchase was made in a city, county, urban-county, charter county, consolidated local government, or unified local government, to the police department of the city, county, urban-county, charter county, consolidated local government, or unified local government in which the purchase is made and the police department of the city, county, urban-county, charter county, consolidated local government, or unified local government in which the business is located, unless there is no police department in that jurisdiction;

~~(h)(g)~~ Comply with a written request pursuant to paragraph ~~(g)(f)~~ of this subsection until a written notice to cease sending the reports required by paragraph ~~(g)(f)~~ of this subsection is received by the purchaser. A request may relate to:

1. All records of purchases;
2. Records of a specific class of metals or items purchased;
3. Records of purchases during a specific period of time; or
4. Records of a specific purchase or purchases; and

~~(i)(h)~~ Retain the property in its original form or a photograph or digital image of the property for a period of three (3) business days from the date of purchase unless notified by a peace officer having reasonable cause to believe that the property may be stolen property, in which case, the property may be seized as evidence by the peace officer or, if not seized, shall be retained for an additional thirty (30) days unless earlier notified by a peace officer that the property may be sold;

(2) A sheriff or police department receiving records pursuant to this section shall retain the records for two (2) years, after which time, it may either retain or destroy the records in a manner that protects the identity of the owner of the property, the seller of the property, and the purchaser of the property.

(3) Any record required to be made or reported pursuant to this section may be kept and reported in hard copy or digital or in electronic format.

(4) This section shall not apply to the purchase, sale, or transfer of:

- (a) A motor vehicle, aircraft, or other item that is licensed by the state or federal government pursuant to a legitimate transfer of title or issuance of a junk title;
- (b) A firearm, part of a firearm, firearm accessory, ammunition, or ammunition component;
- (c) A knife, knife parts, accessory or sheath for a knife, or knifemaking products;
- (d) A nonreturnable used beverage container or food container;
- (e) Jewelry, household goods containing metal, garden tools, and similar household items, except for a catalytic converter or metal beverage container that is capable of holding more than two (2) liters of liquid and which is marketed as returnable, which takes place at a flea market or yard sale;
- (f) A single transaction involving a purchase price of ten dollars (\$10) or less, but more than two (2) transactions with the same person involving a purchase price of ten dollars (\$10) or less in one (1) seven (7) day period shall be reportable transactions;
- (g) Material disposed of as trash or refuse that contains or may contain a catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rail, nonferrous metals or an alloy thereof, or an object that contains or may contain a railroad rail or nonferrous metals or an alloy thereof, which is collected by a municipal waste

department or by a licensed waste hauler and no payment is made to the person from whom the material is collected by the person or agency collecting the material;

- (h) A catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and marketed as returnable, railroad rail, nonferrous metal or alloy thereof, or an object containing railroad rail, nonferrous metal, or an alloy thereof from a person who has maintained a record pursuant to this section to a person who is to further recycle the metal or object containing the metal;
- (i) A catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or object containing nonferrous metal or an alloy thereof under a written contract with an organization, corporation, or association registered with the Commonwealth as a charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school sponsored organization;
- (j) A purchase, pursuant to a written contract, from a manufacturing, industrial or other commercial vendor that generates catalytic converters, metal beverage containers capable of holding more than two (2) liters of beverage and which are marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or object containing nonferrous metal in the ordinary course of business;
- (k) An item purchased by, pawned to, or sold by a pawnbroker licensed pursuant to KRS Chapter 226, engaging in the business authorized by that chapter; or
- (l) Any ferrous metal item, except for a catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marked as returnable, or railroad rails.

**Signed by Governor March 9, 2011.**